

Statement of John Conyers, Jr.
Ranking Member, Judiciary Committee
Oversight Hearing on the Department of Justice
April 7, 2006

As we meet today, I believe our nation is on the verge of a full blown constitutional crisis. Time and time again, when confronted with matters involving the balancing of rights and liberties, the Bush Administration has opted not only to intrude on those liberties, but to do so in secret, and outside of the purview of the courts and the Congress.

Those of us who raise these issues and voice these concerns do not do so because we want to coddle terrorists or criminals. ***We do so because we have historic and legitimate concerns regarding the misuse and the abuse of government powers***, not only under the Patriot Act, but the entire array of unilateral authorities assumed by the Administration since September 11.

When the Justice Department ***detains and verbally and physically abuses thousands of immigrants*** without time limit, for unknown and unspecified reasons, and targets tens of thousands of Arab-Americans for intensive interrogations; ***we see a Justice Department that has institutionalized racial and ethnic profiling***, without the benefit of even yielding a single terrorism conviction.

When the president ***can take it upon himself to label U.S. citizens as enemy combatants*** without trial, lawyer, charges, or access to the outside world; we see an ***executive branch that has placed itself in the constitutionally untenable position of prosecutor, judge, and jury***.

_____When our own government not only ***condones the torture of prisoners at home and abroad, and when we permit the monitoring of mosques and religious cites*** without any indication of criminal activity; ***we undermine our role as a beacon of democracy***, and make it much easier for other nations to flaunt international law and human rights.

When Congress can pass laws that the president ***can sign on the one hand, and then argue does not apply to him on the other hand***, we see an ***executive that has cast aside the principle of separation of powers, the very bedrock on which our nation was built***.

There is no better illustration of the constitutional crisis we are in today than the fact that the president is openly violating our Nation's laws by authorizing the NSA to engage in warrantless surveillance of U.S. citizens. ***And with all due respect, Mr. Attorney General, the Department of Justice has made a bad situation far worse, by virtue of a series of ever more extravagant, far fetched, and constitutionally dangerous after the fact legal justifications that you have proffered.***

You can't seriously expect Members of Congress to believe that the use of force resolution authorized domestic surveillance when ***you yourself admitted that, and I quote, "it would have been difficult, if not impossible" to amend FISA to provide the [wiretap] authority.*** In terms of inherent constitutional authority, if the Supreme Court didn't let President Truman use this authority to take over the steel mills during the Korean War in 1952, and wouldn't let President Bush use the authority to indefinitely hold enemy combatants in 2005, ***it is hard to credibly argue the Court would permit you to conduct unauthorized domestic spying today.***

Every Member of this panel wants the Justice Department to listen in on communications by terrorists. That is why we created a special FISA court, and created a 72-hour emergency exception to it, and made literally dozens of changes to FISA at your request in the last five years. ***But please don't tell us you don't have the resources to protect our citizens' privacy by completing the FISA paperwork, not when you have a budget of more than \$22 billion and more than 112,000 employees at your disposal.***

Finally, Mr. Attorney General, if we are truly interested in combating terror in the 21st Century, ***we must move beyond symbolic gestures and color coded threat levels, and begin to make the hard choices needed to protect our nation,***

Let me suggest that if we really want to prevent terrorists from targeting our citizens and our cities, ***we need to stand up to the gun lobby and keep guns out of the hands of suspected terrorists.*** If we really want to prevent bombings like those which devastated London and Madrid, ***we need to challenge the explosives industry to help us regulate sales of black and smokeless powder.***

If we really want to protect our ports, trains, and other soft terrorist targets, ***we need to stop passing new tax cuts for the wealthy and start fully funding all of our homeland security needs and all of the 9/11 commission's recommendations.***

The reason the terrorists hate us is because we respects the rights and liberties of all of our citizens and cherish the rule of law. If we really want to defeat the terrorists, we should support and honor these strengths, not cast them aside.

When we disobey our own laws, when the executive branch ignores Congress and thumbs its nose at the courts – which we have seen in this domestic spying program and time and time again over the last five years – we not only make our nation less free, we make it less safe.